

Introduced by Senator Bradford

January 19, 2017

An act to amend Sections 349 and 2026 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 163, as introduced, Bradford. Elections: domicile: residence.

Existing law defines “residence” for voting purposes as a person’s domicile. Existing law describes the domicile of a person as that place in which his or her habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. Existing law describes the residence of a person as that place in which the person’s habitation is fixed for some period of time, but wherein he or he does not have the intention of remaining. Existing law provides that a person may have only one domicile at a given time, but may have more than one residence. Existing law also provides that, for purposes of determining the domicile of a Member of the Legislature or a Representative in the Congress of the United States, it shall be conclusively presumed that the residence address indicated on that person’s currently filed affidavit of voter registration is that person’s domicile.

This bill would provide that a person’s domicile or residence may also be the place in which the person has legal tenancy. This bill would define legal tenancy for voting purposes to mean a person’s right to possess or hold property, whether by lease or by title. This bill would provide that the conclusive presumption for determining a Member of the Legislature’s domicile applies if the person has legal tenancy at the residence address indicated on his or her affidavit of voter registration.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 349 of the Elections Code is amended to
2 read:
3 349. (a) “Residence” for voting purposes means a person’s
4 domicile.
5 (b) (1) The domicile of a person is ~~that either of the following:~~
6 (A) *That place in which ~~his or her~~ the person’s habitation is*
7 *fixed, wherein the person has the intention of remaining, and to*
8 *which, whenever he or she is absent, the person has the intention*
9 *of returning.* ~~At~~
10 (B) *That place in which the person has legal tenancy.*
11 (2) *At a given time, a person may have only one domicile.*
12 (c) (1) The residence of a person is ~~that either of the following:~~
13 (A) *That place in which the person’s habitation is fixed for some*
14 *period of time, but wherein he or she does not have the intention*
15 *of remaining.* ~~At~~
16 (B) *That place in which the person has legal tenancy.*
17 (2) *At a given time, a person may have more than one residence.*
18 (d) *“Legal tenancy” for voting purposes means a person’s right*
19 *to possess or hold property, whether by lease or by title.*
20 SEC. 2. Section 2026 of the Elections Code is amended to read:
21 2026. The domicile of a Member of the Legislature or a
22 Representative in the Congress of the United States shall be
23 conclusively presumed to be at the residence address indicated on
24 that person’s currently filed affidavit of voter registration *if the*
25 *person has legal tenancy at that residence address.*